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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,009	12/21/2004	John T. Buckley	HOLO1 P-443	7240

277 7590 11/03/2006

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/519,009	BUCKLEY ET AL.	
	Examiner	Art Unit	
	Lee Lum	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-7,9-11,13-23,25-,27-31,33-44,46,49,50,53-55,60-66,68,69,73,76,78,80,82-86,88-99,101-103.

DETAILED ACTION

1. An Amendment was filed 8/21/06.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. **Claims 1-7, 9-11, 13-23, 25, 27-31, 33-44, 49, 50, 53-55** are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy et al 6010142 in view of Gibbons 5413366.

McCoy discloses a drawbar and universal hitch 10 for a trailer hitch (unidentified, inherent) comprising

Base plate 14 with first and second portions 20,22, and two rows (one on each portion 16) of apertures 24 along the longest dimension, and further including

Radiused corners (fig 1),

The sections meeting at an arcuate intersection (fig 2; "joining" curve between the sections),

Shank 12 disposed on the base plate, with first 36, central 38, and second 36, portions forming an I-shaped crosssection (fig 3), and including opening 42 located on rectangular/square crosssection 38,

Where one aperture on the plate is disposed between the first and second portions (aperture second-from-the-bottom on the plate),

The plate and shank being fabricated* from an integral, continuous piece of material (c2, In 11-12),

First, and second, strengthening members (fig1; unidentified opposite, curved areas adjacent element 34 and base plate) connecting the first and second sections of the plate and shank, each including first/second central area, and first/second outer edge extending beyond the central area, forming first/second T-shaped crosssection, the latter as *broadly and reasonably interpreted*.

The reference does not disclose the apertures configured such that a line cannot be extended through an aperture in the first row, and an aperture in the second row; ie, the apertures are configured such that they are parallel to the shank.

Gibbons shows this arrangement with apertures 28 arranged parallel to the transversely-oriented coupler 38. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this embodiment, as shown in Gibbons, to accommodate a connection having fasteners oriented parallel to a perpendicular member, thus increasing applicability. However, the orientation of the connection member/plate is immaterial to its intended function.

* Fabrication is immaterial to an apparatus claim.

B. **Claims 6, 7, 35, 36, 43 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy in view of Gibbons, and in further view of Landoll et al 6394734.

McCoy does not disclose the second strengthening member as including an opening, while Landoll shows this configuration in fig 13, with unidentified strengthening members with apertures, adjacent longitudinal frame members. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this configuration, as shown in Landoll, to decrease weight in the member, thus increase portability and convenience, and as is very well-known.

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C. **Claims 60-64, 68, 69, 73, 76, 78, 80, 82, 83, 86, 88-97, 101-103** are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy in view of Gibbons, and in further view of Gries et al 6139043.

McCoy does not disclose a pintle hook connected to, or through the apertures of, the base plate, while Gries shows a similar arrangement with pintle hook including elements 40,50, which may be attached to the base plate via various well-known means. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Gries, to provide this type of hitch on a base mount, thus increase applicability to different hitch situations, or vehicle components, as is very well-known.

D. **Claims 65, 66, 84, 85, 98, 99** are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy in view of Gibbons and Gries, and in further view of Landoll.

The previous references do not disclose the second strengthening member as including an opening, while Landoll shows this configuration in fig 13, with unidentified strengthening members with apertures, adjacent longitudinal frame members, as discussed in paragraph A. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this configuration, as shown in Landoll, to decrease weight in the member, thus increase portability and convenience, and as is very well-known.

3. RESPONSE TO REMARKS

Examiner provides modified rejections due to amendments. McCoy in view of Gibbons discloses most of the limitations, including the amendment of (paraphrasing) "two rows of apertures oriented parallel to the shank". This feature does not materially affect the proper design and function of the invention.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


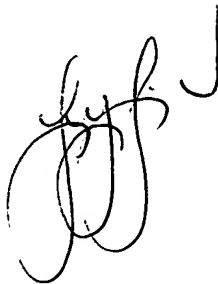
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum-Vannucci at 571 272 6649, M-F, 9-5. If she can't be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272 6651. Our fax number is 571 273 8300.

Info re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system as follows: for unpublished applications – private PAIR only, for published applications – private or public PAIR. For more info on PAIR – <http://pair-direct.uspto.gov>. For more info on private PAIR – call the Electronic Business Center at 866 217 9197.

Ms. Lee Lum-Vannucci
Examiner
10/26/06



LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600